

REMARKS

By this amendment, Applicants have amended claims 1, 15, 29, 43, and 57. Support for the amendments can be found in the originally-filed specification at, for example, paragraphs [056], [060], [063], [064], and [073] - [075]. No new matter has been added. Claims 1-61 remain pending and under examination.

Summary

In the Final Office Action,¹ the Examiner rejected claims 1, 15, 29, 43, and 57 under 35 U.S.C. § 112, first paragraph and rejected claims 1-61 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,068,797 to Sansone et al. (“Sansone”) in view of U.S. Patent No. 5,072,401 to Sansone et al. (“Sansone ’401”), and U.S. Patent Application Publication No. 2002/0032573 to Williams et al. (“Williams”), and in further view of U.S. Patent No. 5,043,908 to Manduley et al. (“Manduley”).

Rejection of Claims 1, 15, 29, 43, and 57 under 35 U.S.C. § 112, First Paragraph

Applicants respectfully traverse the rejection of claims 1, 15, 29, 43, and 57 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Final Office Action alleges that the following recitations in previously presented claim 1 (with similar recitations in previously presented claims 15, 29, 43, and 57) are not supported by the original disclosure:

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

monitoring mail delivery on the determined routes after the mail items are assigned, wherein monitoring the mail delivery includes:

receiving update information from the delivery carriers while the mail items are being delivered on the predetermined routes, wherein the update information relates to at least one of the routes for delivery and a capacity of the delivery carriers.

Final Office Action, pp. 2-3. Specifically, the Final Office Action alleges that “Applicant’s specification in paragraphs [045], [063], [073] and [087] only has support for the delivery and monitoring of trays or containers and not individual mail items.” *Id.*, p. 3.

Applicants traverse this rejection because this characterization of the specification is incorrect.

Applicants’ specification discloses that delivery relates to mail items in several places. For example, paragraph [056] states “the mail items are directed to transportation facility 108 and are delivered to mode of transportation 100.” (emphasis added). Paragraph [064] continues “SAMS 200 may also provide a hard copy and/or electronic manifest indicating the assignments that have been made and the mail items that have been delivered to carriers.” (emphasis added). Clearly, the specification supports delivery of mail items and the Final Office Action’s allegation that it only supports delivery of trays or containers is incorrect.

Further support for delivery of mail items can be found in paragraphs discussing transportation of mail items, because mail items are transported to be delivered. Paragraph [070] discloses “[r]outes information component 802 collects and configures the origin to destination paths used to transport the mail items” and “[d]ispatch information component 804 selects the most efficient and timely manner to transport the

mail items from city to city.” (emphasis added). Additionally, paragraph [087] adds that “SAMS 200 may assign mail items to transportation using a table of planned routes.” (emphasis added). Plainly, the specification contemplates more than just delivery of trays or containers of mail items.

Monitoring of mail items is also supported by the specification. Paragraph [075] states “throughout the delivery process, as the mail items are tracked by detection devices, the information may be fed back to SAMS 200 until a stop click is determined at the final destination.” (emphasis added). Monitoring mail items may be accomplished through tracking of mail items, and this is clearly disclosed in the Applicants’ specification.

In addition, amended claim 1 does not recite “monitoring of mail items,” as alleged by the Office Action (O.A. at 3), but instead recites “monitoring the determined routes.” Accordingly, it does not matter whether or not “Applicant’s specification in paragraphs [045], [063], [073] and [087] only has support for the delivery and monitoring of trays or containers and not individual mail items” (as the Office Action alleges at page 3), because the claims do not recite “monitoring mail items.” The Applicant’s specification clearly supports monitoring the determined routes as discussed, for example, in paragraph [073].

For at the least the foregoing reasons, the specification fully supports “monitoring the determined routes,” as recited in claim 1, and delivery of mail items (and similar elements recited in claims 15, 29, 43, and 57), and the 35 U.S.C. § 112, first paragraph, lacks proper legal foundation. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 112, first paragraph, rejection of claims 1, 15, 29, 43, and 57.

Rejection of claims 1-61 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1-61 under 35 U.S.C. § 103(a) as being unpatentable over *Sansone* in view of *Williams*, *Sansone* '401, and *Manduley*. No *prima facie* case of obviousness has been established at least because the cited references fail to teach or suggest all the elements of the claims, as amended.

To establish a *prima facie* case of obviousness, the Examiner must, among other things, determine the scope and content of the prior art and ascertain the differences between the claimed invention and the prior art. See M.P.E.P. § 2144.08(II)(A), 8th Ed., Rev. 6 (September 2007). Furthermore, the Examiner must make findings with respect to all of the claim limitations and must make "some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." See M.P.E.P. §§ 2143.03 and 2141(III).

Amended claim 1 recites a method of managing delivery carriers, the method including, among other things, "monitoring the determined routes after the mail items are assigned," and "dynamically reassigning the mail items to different delivery carriers based on the update information received from the delivery carriers during monitoring." The Final Office Action correctly states that "*Sansone* does [not]² specifically disclose" "monitoring, in real time, mail delivery on the determined routes after the mail items are assigned" (O.A. at 5), or "dynamically reassigning the mail items to different delivery carrier" as recited in claim 1. O.A. at 6. The Final Office Action also does not allege

² The Final Office Action states that "*Sansone* does specifically disclose . . . however" Applicants believe that the Final Office Action meant to state that "*Sansone* does not specifically disclose . . . however . . . ," and that it is a typographical error to omit the word "not."

that *Williams* discloses “monitoring the determined delivery route” or “dynamically reassigning the mail items to a different carrier.” Indeed, *Williams* does not disclose the above elements. Because *Sansone* and *Williams* fail to disclose these elements of amended claim 1, they cannot disclose or suggest “monitoring the determined routes after the mail items are assigned,” and “dynamically reassigning the mail items to different delivery carriers based on the update information received from the delivery carriers during monitoring,” as recited by amended claim 1.

Applicants submit that *Sansone* '401 fails to cure this defect of *Sansone* and *Williams*. The Final Office Action admits that “*Sansone* In '401 does not specifically disclose [the monitoring feature] per se.” O.A. at 6. Indeed, *Sansone* '401 does not disclose monitoring update information for a delivery route, as recited by amended claim 1. While the Final Office Action discusses portions of *Sansone* '401 that allegedly disclose monitoring workloads and periods when a particular depot is busy (O.A. at 6), this is irrelevant to “monitoring the determined routes,” as recited by amended claim 1, because a depot, which is a building with workers, is not a route, which is a way of getting items from one location to another. For at least this reason, *Sansone* '401 fails to disclose or fairly suggest “monitoring the determined routes after the mail items are assigned,” as recited by amended claim 1.

Sansone '401 also fails to disclose additional elements of amended claim 1. The Final Office Action implies that *Sansone* '401 discloses “dynamically reassigning the mail items to different delivery carrier” by allegedly disclosing that mail transported by different carriers may be rerouted to different depots based on the available resources and logistics planning. O.A. at 6-7. Even if *Sansone* '401 discloses this, which

Applicants do not concede, *Sansone* '401 still fails to disclose or suggest claim 1. Rather than reciting reassigning the mail items to a different delivery destination, amended claim 1 recites "reassigning the mail items to different delivery carriers." (emphasis added). The destination depots of *Sansone* '401 are not the same as a carrier, because a depot is a location with workers where as a carrier is a person or company that transports goods. For at least these reasons, *Sansone* '401 fails to disclose "monitoring the determined routes after the mail items are assigned," and "dynamically reassigning the mail items to different delivery carriers based on the update information received from the delivery carriers during monitoring," as recited by amended claim 1.

For similar reasons, *Manduley* also fails to at least these features of amended claim 1. The Final Office Action relies on *Manduley* to allegedly teach the above elements. Specifically, the Final Office Action refers to *Manduley*'s Figs. 6-9 and col. 2, lines 55-67, and col. 3, lines 1-8 for its alleged teaching of "continuous monitoring of the mail piece through the system, station workloads, and resource utilization." O.A. at 6. Applicants disagree with the Final Office Action's contentions at least because they mischaracterize the scope and content of the *Manduley* reference.

Specifically, *Manduley* discloses tracking mail pieces by monitoring the mail pieces through the system in order to reduce or avoid theft or loss of the mail pieces. *Manduley*, col. 2:19-54. *Manduley* discloses that this is accomplished by "polling of the various stations along the route, or by inputs from the stations when the mail piece arrives." *Manduley*, col:2:57-58. Thus, the monitoring of *Manduley* differs from "monitoring the determined route" because a mail item is not a route. Monitoring a mail

item involves scanning the item at various locations along a route but offers no information regarding the conditions of the route itself. Because *Manduley* discloses monitoring the progress of a mail item and does not disclose monitoring a route, it cannot disclose “monitoring the determined route after the mail items are assigned,” as recited by claim 1.

In addition, *Manduley* fails to disclose “dynamically reassigning the mail items to different delivery carriers,” as recited by claim 1. Although the Final Office Action alleges *Manduley* discloses this element (O.A. at 7), this is not correct. *Manduley* discloses expediting the remaining delivery schedule to make up for lost time by suggesting “the data center could recalculate the remaining routes, with the objective being speed instead of, say, cost.” *Manduley*, col. 3:9-16. Recalculating a route is not the same as “reassigning the mail items to a different delivery carrier” because a route is not a carrier. Recalculating a route involves determining a different road or track to take from the current point but does not indicate that a different carrier should be used for the new route. For at least this reason *Manduley* fails to disclose or fairly suggest “dynamically reassigning the mail items to different delivery carriers based on the update information,” as recited by amended claim 1.

For at least these reasons, no reasonable combination of *Sansone*, *Williams*, *Sansone* '401, or *Manduley* disclose all the elements of amended claim 1 and the Examiner has failed to properly ascertain the differences between claim 1 and the prior art. Moreover, the above-quoted elements of claim 1 demonstrate significant differences between claim 1 as a whole and the subject matter of the cited references,

and show a gap between the cited references and claim 1 that is so great as to render the claim nonobvious to one reasonably skilled in the art. See M.P.E.P. § 2141.

Although of different scope, independent claims 15, 29, 43, and 57 include similar elements as those recited in claim 1. For at least the same reasons claim 1 is nonobvious, each of independent claims 15, 29, 43, and 57 is also nonobvious over the cited references, and thus, is allowable. Dependent claims 2-14, 16-28, 30-42, 44-56, and 58-61 are also nonobvious at least by virtue of their respective dependence from independent claims 1, 15, 29, 43, and 57 as well as by virtue of reciting additional elements not taught or suggested by the cited references.

Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1-61.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration of this application and timely allowance of the pending claims.

Please grant any additional extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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